

DRAFT Family Home Child Care Licensing Rules – Licensing Process Section

Dear Parents, Family Home Child Care Providers, and Other Interested Persons,

On the following pages you will find the early draft of the **Licensing Process** section of the Family Home Child Care licensing rules. This is a working draft prepared by the Negotiated Rule Making Team (NRMT), a group that is making recommendations to the Department of Early Learning (DEL) about the licensing rules. This draft has not been endorsed as an official DEL draft or proposed rule. Other sections of the working draft rules are available on the DEL Web site at: <http://www.del.wa.gov/laws/development/negotiated.aspx>

Please remember that is a very early draft – you will have a chance to see and comment on future drafts before the rules become final.

The NRMT and DEL are asking that you take time to look over this early draft. Your experience and insight are needed! What you tell us will help improve the rules. In the left column are the NRMT's recommended draft rules. In the right column is the current rule requirement. As you look over the draft new rules and current rules, think about the following:

- Are the draft new rules stated clearly?
- Are the draft rules easy to understand and follow?
- What would make the rule work better?

How to give your input. You can send an e-mail with your comments, suggestions or questions to DEL at Rules@del.wa.gov. Or, send your thoughts by fax to 360-413-3482, or mail them to: DEL Rules Coordinator, PO Box 40970, Olympia, WA 98504-0970. We will keep taking comments on this draft until the next draft version is ready for release.

What happens to your comments? All input from around the state will be considered by the DEL and the Negotiated Rule Making Team in writing the next draft of the rules.

What is the Negotiated Rule Making Team? The Negotiated Rule Making Team is helping DEL review and revise the Family Home Child Care WAC 170-296. Licensed child care providers, parent and provider advocates, the Service Employees International Union 925, the Child Care Resource & Referral Network, and DEL staff are on this team. The team is guided by the principle that licensing rules must support a child's right to have safe and healthy child care.

What happens next? Other parts of the draft rule will be available for your review soon. A second draft of the entire WAC chapter will be available in spring of 2010. Around mid-2010, DEL plans send out the formal rule proposal required by law. DEL will hold public hearings and accept more written comments on the proposal at that time. DEL plans to adopt the final rules in late 2010.

Remember, this is an early draft. You will get to see the draft rules again before they are final!

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Licensing Process	
<p>170-296-5201 Licensee is responsible for:</p> <ul style="list-style-type: none"> (1) The overall management of the licensed family child care home and (2) Complying with the minimum licensing requirements in this chapter, chapter 170-03 WAC (hearing rules) and chapter 170-06 WAC (background check rules) 	<p>170-296-1400 What are the responsibilities of the family home provider?</p> <ul style="list-style-type: none"> (1) You are responsible for the overall management of your family home child care business. (2) You must ensure your family home child care business complies with the minimum licensing requirements contained in this chapter.
<p>Background checks 170-296-5202 Licensee must follow the requirements of WAC 170-06, including obtaining a background check clearance for:</p> <ul style="list-style-type: none"> (1) The licensee (2) All staff or volunteers; and (3) Any person age 16 or older who resides in the home. 	<p>170-296-0180 Am I required to have a criminal history background check?</p> <p>At the time you apply for a license you must submit a completed background check form and finger print card if required to the department for each person required to have a background check under chapter 170-06 WAC.</p>
Exemptions	
<p>170-296-5210 A person that provides care for children in their home must be licensed unless specifically exempt under RCW 43.215.010(2)</p> <p>170-296-5211 The person claiming an exemption must provide to DEL proof that they qualify for an exemption using form ____.</p> <p>170-296-5212 A person must be licensed to care for children in their home if any of the following apply:</p> <ul style="list-style-type: none"> (1) Care is provided for unrelated children from more than one family on a regular basis (2) Care is provided for children for preschool age children for more than four hours a day 	<p>170-296-0110 (2), (3) and (4)? Who needs to become licensed?</p> <ul style="list-style-type: none"> (2) The person claiming an exemption must provide the department proof of the right to the exemption if we request it. (3) We must not license a home that is legally exempt from licensing. However, at the applicant's request, we must investigate and may certify the home as meeting licensing and other requirements. We must apply the same requirements and procedures for certification that we apply for licensure. (4) We may certify a family home child care for payment without further investigation if the home is: <ul style="list-style-type: none"> (a) Licensed by an Indian tribe; or (b) Certified by the federal Department of Defense. The home

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	must be licensed or certified in accordance with national or state standards or standards approved by us and be operated on the premises over which the entity licensing or certifying the home has jurisdiction.
<p>170-296-5215 A family home child care may be certified for subsidy payment if the home is:</p> <ul style="list-style-type: none"> (1) Licensed by an Indian tribe; or (2) Certified by the federal Department of Defense. <p>170-296-5216 When the home is certified by the federal Department of Defense, the home must be licensed or certified in accordance with:</p> <ul style="list-style-type: none"> (1) National or state standards, or (2) Standards approved by DEL; and (3) Be operated on the premises over which the entity licensing or certifying the home has jurisdiction. 	<p>170-296-0120 When does the department establish an overpayment for payment I receive through the child care subsidy program?</p> <p>We establish child care subsidy overpayments for payments you received when:</p> <ul style="list-style-type: none"> (1) You receive payment for services you did not provide; (2) You do not have attendance records that support the billing. Only attendance records meeting WAC requirements will be accepted for attendance verification; (3) We pay you more than you are eligible to bill; (4) You receive payment from us and you are not eligible based on WAC 388-290-0125; or (5) You receive payment for caring for children outside your licensed allowable age range and you do not have a waiver for that purpose.
Application Process	
<p>Pre-service Training</p> <p>170-296-5220 The applicant for an initial license must attend Department approved pre-service training before a license will be granted by the department.</p>	NEW
<p>170-296-5221 The applicant must submit an application packet that includes:</p> <ul style="list-style-type: none"> (1) A completed application (2) Copy of government issued photo identification 	<p>WAC 170-296-0160</p> <ul style="list-style-type: none"> (1) To apply for a license, you must: (b) Complete and submit a signed application form to the department, including the following attachments:

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<ul style="list-style-type: none"> (3) Completed background check forms (4) Resume (5) References (6) Fees (7) Floor plan (8) Sewer/water safety plan if it applies (9) Handbook(s) to include parent, staff and operation policies (10) Copy of First Aid/CPR/blood borne pathogens training certificates; and (11) TB test results 	<ul style="list-style-type: none"> (i) A copy of your picture identification issued by a government entity (could include but is not limited to: Driver's license, passport, state identification); (ii) A photocopy of your Social Security card that is valid for employment or verification of your employer identification number (EIN); (iii) An employment and education resume for you, primary staff, assistants and volunteers; and (iv) Three references for you from people unrelated to you. <p>(2) You must submit these additional documents to the department either with your application or within sixty days of submitting your application:</p> <ul style="list-style-type: none"> (a) Documentation of current infant, child and adult CPR and standard first aid training for you, any staff, or volunteer who will be counted in staff/child ratios; (b) Documentation of a negative Mantoux tuberculin (TB) test in the twelve months prior to starting work for you, staff, volunteers and members of the household sixteen years or older (c) Documentation of HIV/AIDS training and the availability of bloodborne pathogens information for you, staff and volunteers who have child care responsibility (d) Documentation of the local health authority or state department of health approval of your private water supply and independent sewage system, if applicable;
<p>170-296-5222 Identification The applicant must submit a copy of their current government issued picture identification when applying for a license.</p>	<p>170-296-0160 How do I apply for a license?</p> <ul style="list-style-type: none"> (1) To apply for a license, you must: <ul style="list-style-type: none"> (i) A copy of your picture identification issued by a government entity (could include but is not limited to: Driver's license, passport, state identification);

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<p>Application Process</p> <p>170-296-5223 The license application process will take up to 90 days to complete.</p> <p>170-296-5224 (1) Applicants unable to complete the application process may withdraw the application and resubmit it if the applicant has not withdrawn the application by 90 days and (2) If the license application requirements have not been met the application will be denied. Refer to RCW 43.215.260.</p>	<p>170-296-0250 How long do I have to complete the licensing application process?</p> <p>(1) You must complete the licensing application process including the home inspection and supporting documents, such as training certificates, within ninety days of first applying for your license.</p> <p>(2) If you don't meet this deadline and have not contacted your licensor, we consider your application withdrawn.</p>
<p>170-296-5225 Fees (1) The licensee/applicant must pay a nonrefundable license fee. (2) The payment must be in the form of a check or money order. (3) The license fee must be paid each year before or on the anniversary date of the license.</p> <p>170-296-5226 Fee Amount The fee amount will be \$24 a year based on the anniversary date of the license.</p>	<p>170-296-0170 Am I required to pay a fee when applying for a family home child care license? You must pay a nonrefundable license fee of twenty-four dollars. This must be in the form of a check or money order. You must pay the license fee each year before or on your anniversary date.</p>
<p>Moves</p> <p>170-296-5230 When the licensee moves the licensee must: (1) Submit an application as soon as the licensee plans to move and has an identified address; and</p>	<p>170-296-0270 Am I required to submit an application if I move to a new address while my license is current?</p> <p>(1) If you move, have an acceptable history of child care, and plan to continue to operate your family home child care business you</p>

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<p>(2) Submit the application before the move.</p> <p>170-296-5235 Do not submit the application more than 90 days before the move.</p>	<p>must submit an application with all supporting documentation for the new address, before you move.</p> <p>(2) If you have submitted an application for the new address prior to moving, we allow you to operate at your new address for up to two weeks. If you are unable to meet the health and safety requirements at your new address within the two week period, you must stop operating the child care business until you become licensed at the new address (per RCW 43.215.260).</p> <p>(3) If you move and do not tell us, your license becomes invalid on the date of your move.</p>
<p>Renewal Process</p> <p>Renewal process:</p> <p>170-296-5240 Licensee must submit a completed renewal application packet including all the following required documentation:</p> <ul style="list-style-type: none"> (1) Renewal application; (2) New Background clearance forms for licensee, household members and staff as defined in chapter 170-06; (3) Copies of Current First Aid and CPR certificates; (4) Copy of current government issued picture; identification; and (5) Current parent handbook <p>170-296-5245 If there is a change in circumstances the licensee must submit an updated (as applicable)</p> <ul style="list-style-type: none"> (1) Floor plan; and (2) Sewer/water safety plan <p>170-296-5246 The renewal application must be submitted ninety days before the anniversary date of the license.</p> <p>170-296-5248 The full license is renewed every three years.</p>	<p>170-296-0260</p> <p>Do I need to renew my license?</p> <p>(1) You are required to renew your license every three years.</p> <p>(2) We send a relicensing packet one hundred twenty days before the expiration of your license.</p> <p>(3) You must send the completed application form to your licensor at least ninety days before your current license expires.</p> <p>(4) We close your license if it expires and we have not received a renewal application.</p>

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Types Of Licenses	
<p>Initial License</p> <p>170-296-5250 When the licensee demonstrates partial compliance with the licensing rules and all the health and safety requirements are met, an initial license is issued.</p>	<p>170-296-0330 Is there more than one category of license?</p> <p>We issue three types of licenses:</p> <ul style="list-style-type: none"> (1) Initial (see WAC <u>170-296-0340</u>); (2) Full (see WAC <u>170-296-0350</u>); and (3) Probationary (see WAC <u>170-296-0440</u>). <p>170-296-0340 When will the department issue an initial license to me?</p> <p>(1) If you are not currently licensed we may issue an initial license to you to provide child care when all the health and safety rules have been met, but you:</p> <ul style="list-style-type: none"> (a) Cannot demonstrate compliance with the rules pertaining to: <ul style="list-style-type: none"> (i) Supervision; (ii) Capacity; (iii) Behavior management; (iv) Activity and routines; and (v) Child records and information. (b) Can provide a plan that is acceptable to us, to comply with rules found in subsection (1)(a) of this section. <p>(2) We may issue an initial license to you for a period not to exceed six months, renewable for a period not to exceed two years.</p> <p>(3) We must evaluate your ability to follow all the rules contained in this chapter during the initial licensing period prior to issuing a full license.</p>
<p>Full License</p> <p>170-296-5255 A full license will be issued when the licensee demonstrates compliance with all the licensing rules contained</p>	<p>170-296-0350 When will the department issue a full license to me?</p> <p>(1) We may issue a full license to you when you can demonstrate</p>

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in this chapter.	<p>compliance with all rules contained in this chapter at any time that you have an initial license.</p> <p>(2) We must not issue a full license to you if you do not demonstrate the ability to comply with all rules contained in this chapter during the period you have an initial license.</p>
<p>Probationary license</p> <p>170-296-5260 A probationary license may be issued as part of a corrective action plan.</p> <p>170-296-5262 Civil penalties or other sanctions may be issued with the probationary license.</p> <p>170-296-5263 A decision to issue a probationary license must be based on the following:</p> <ul style="list-style-type: none"> (1) Intentional noncompliance with the licensing rules; (2) A history of noncompliance with the licensing rules; (3) Current noncompliance with the licensing rules; and (4) Any other factors relevant to the specific situation. <p>170-296-5264 When a probationary license is issued the licensee must:</p> <ul style="list-style-type: none"> (1) Provide to all the parents or guardians of enrolled children the department approved written probationary notification. This written probationary notification must be provided to the parents or guardians within five working days of receiving the probationary notification from the department; (2) Inform parent or guardians of probationary status before enrolling new children; and (3) Return the full license to the department. 	<p>170-296-0440</p> <p>When would the department issue a probationary license?</p> <p>(1) We may, but are not required to, issue a probationary license as part of a corrective action plan with a licensed provider. In addition to issuing you a probationary license, we may also assess civil penalties or other sanctions.</p> <p>(2) We must base our decision about whether to issue a probationary license on the following:</p> <ul style="list-style-type: none"> (a) Intentional or negligent noncompliance with the licensing rules; (b) A history of noncompliance with the rules; (c) Current noncompliance with the rules; and (d) Any other factors relevant to the specific situation. <p>(3) When we issue you a probationary license you must give notification of your probationary license status to:</p> <ul style="list-style-type: none"> (a) The parents or guardians of all children in your care, within five working days of receiving notification from us; and (b) New applicants for child care, before enrolling new children. <p>(4) The notification must be in writing and must be approved by us prior to being sent.</p> <p>(5) Within ten working days of receiving notification of the probationary license, you must provide documentation to us that parents or guardians of all children in your care have been notified.</p> <p>(6) We may issue a probationary license for up to six months. We may extend the probationary license for an additional six months.</p> <p>(7) You must return your full license to us.</p>

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<p>170-296-5265 The probationary license may be issued for six months up to one year.</p> <p>170-296-5266 The licensee has the right to refuse a probationary license; however by refusing a probationary license one of the following licensing actions may occur:</p> <ul style="list-style-type: none"> (1) Modification; (2) Denial; (3) Summary suspension; or (4) Revocation. 	
Multiple Licenses For Licensee	
<p>Multiple licenses</p> <p>170-296-5270 The licensee must inform the department when the licensee:</p> <ul style="list-style-type: none"> (1) (a) Possesses another care giving license or (b) Is in the process of applying for another care giving license. (2) Submit form _____ describing multiple licenses (3) (a) The department and licensee may agree to a modification to the license; or (b) If form _____ is not approved: <ul style="list-style-type: none"> i. The licensee may give up one of the licenses; or ii. The department may suspend, deny or revoke the license. 	<p>170-296-0280 May a family home child care have more than one type of license to provide care to children?</p> <p>(1) A family home child care may have only one type of license with these exceptions:</p> <ul style="list-style-type: none"> (a) Care of the other client category does not interfere with the quality of child care provided; and (b) The most stringent capacity limitations are maintained. <p>(2) Dual licenses are subject to our approval.</p>
Exception To Rule	
<p>Waivers (Exception to Rule)</p> <p>170-296-5275 The department may waive a specific WAC requirement with good cause.</p>	NEW

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<p>170-296-5276 The department cannot waive a requirement in RCW.</p> <p>170-296-5278 The department may approve an alternate method of achieving a specific requirement's intent.</p> <ol style="list-style-type: none"> (1) The Licensee may request an exception to the rule by completing and submitting a written request using the department _____ form. (2) The department may approve an exception to the rule request only for a specific purpose or child. (3) The exception request must be for a specific period of time not to exceed the expiration date of the license. (4) The exception request must not jeopardize the safety or welfare of the child in care. (5) The exception request must not detract from the quality of services the licensee delivers. (6) A copy of the approved written exception request must be kept on the premises. (7) The department's denial of an exception request is not subject to appeal under RCW chapter 34.05 and chapter 170-03 WAC. 	
Subsidy	
<p>170-296-5280 A licensee that receives child care subsidy payments must follow the requirements of the applicable subsidy program.</p> <p>170-296-5282 Licensee that receives Working Connections Child Care subsidies must follow the requirements in Part II of chapter 170-290 WAC.</p> <p>170-296-5285 Licensee that receives Seasonal Child Care subsidies must follow the requirements in Part III of chapter</p>	<p>170-296-0110 Who needs to become licensed?</p> <p>(5) The individuals and agencies wanting to care for children whose child care is paid for by the state child care subsidy program must:</p> <ol style="list-style-type: none"> (a) Be licensed or certified; (b) Follow billing policies and procedures in <i>Child Care Subsidies, A Booklet for Licensed and Certified Providers, DEL 22-</i>

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170-290 WAC.	877; and (c) Bill the department at the person's or organization's customary rate or the state rate, whichever is less. (See WAC 388-290-0190 (2) and (3) for exceptions.)
Compliance with other state laws, rules and city and county ordinances	
<p>Private Septic</p> <p>170-296-5290 Licensee must operate and maintain a private septic system in a manner acceptable to the local health authority.</p> <p>170-296-5292 Licensee must follow local public health requirements for periodic septic system inspections and maintenance.</p> <p>170-296-5293 When there are no local requirements for periodic septic system inspections the licensee must:</p> <ul style="list-style-type: none"> (1) Have the system inspected and maintained every three years; and (2) Keep the inspection and maintenance records on file. <p>Private well water</p> <p>170-296-5294 Licensee must operate and maintain the water supply in a manner acceptable to the local health authority.</p> <p>170-296-5295 Licensee must follow the local public health requirements for periodic water testing.</p>	<p>WAC 170-296-0160</p> <p>(2) You must submit these additional documents to the department either with your application or within sixty days of submitting your application:</p> <ul style="list-style-type: none"> (d) Documentation of the local health authority or state department of health approval of your private water supply and independent sewage system, if applicable; <p>170-296-0125</p> <p>Must I comply with local ordinances and codes?</p> <p>Family home child care businesses must comply with any city and county ordinances and codes for their locality and meet the minimum construction, fire and safety requirements for one and two family dwellings. Local officials are responsible for enforcing city ordinances and county codes, such as zoning and building regulations.</p> <p>170-296-1140</p> <p>You must provide:</p> <ul style="list-style-type: none"> (1) Drinking water supplied from: <ul style="list-style-type: none"> (a) A public water supply regulated by Washington state department of health drinking water operations or the local health authority as appropriate; or (b) An individual water supply operated and maintained in a manner acceptable to the local health authority; or

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<p>170-296-5296 When there are no local requirements the licensee must:</p> <ul style="list-style-type: none"> (1) Test the water for coliform bacteria and nitrates every three years. The test must come back “satisfactory” or “acceptable” as defined by DOH; and (2) Keep the test results records on file. 	<ul style="list-style-type: none"> (c) Commercially bottled water. (2) Disposable paper cups or individual drinking cups.
<p>170-296-5298 Licensee must :</p> <ul style="list-style-type: none"> (1) Comply with city and county ordinances and codes (2) Meet the minimum construction, fire and safety requirements for single family dwellings. <p>The local officials are responsible for enforcing city or county ordinances and codes, such as zoning and building regulations.</p>	<p>170-296-0125 Must I comply with local ordinances and codes?</p> <p>Family home child care businesses must comply with any city and county ordinances and codes for their locality and meet the minimum construction, fire and safety requirements for one and two family dwellings. Local officials are responsible for enforcing city ordinances and county codes, such as zoning and building regulations.</p>